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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,584	12/04/2003	Mark E. Tuttle	MI40-367	2224

21567 7590 02/22/2007
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SPOKANE, WA 99201

EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/729,584

Applicant(s)

TUTTLE ET AL.

Examiner

Jamara A. Franklin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 33-63 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 23, 24 and 26-32 is/are allowed.
- 6) ☒ Claim(s) 7-15, 17, 19-22, and 25 is/are rejected.
- 7) ☒ Claim(s) 16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the preliminary amendment filed on 12/04/03. Claims 1-63 are currently pending.

Election/Restrictions

1. Newly submitted claims 33-63 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33-63 are withdrawn from consideration as being directed to non-elected inventions. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

2. Claims 25 and 27 are objected to because of the following informalities:

in claim 25, line 4, delete "the"; and

in claim 27, line 2, substitute "package" with --device--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7, 9, 11, 17, and 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Seckinger et al. (US 4,686,358) (hereinafter referred to as 'Seckinger').

Seckinger teaches

regarding claim 7, a data storing device comprising:

a housing defined by first (assembly 5) and second (key grip 2) housing portions, the second housing portion being movable relative to the first housing portion between mated and open positions (figure 1);

an integrated circuit (chip 9) supported by the first housing portion (figure 1);

a battery (battery 10) in the housing; and

a conductor (contact pair 7B) supported by and movable with the second housing portion, the conductor coupling the battery to the integrated circuit when the second housing portion is in the mated position (col. 4, lines 25-31);

the data storing device in accordance with claim 7 wherein the integrated circuit includes a memory and a microprocessor, and wherein the conductor couples the battery to the integrated circuit;

the data storing device in accordance with claim 7 wherein the battery comprises a thin film battery;

Art Unit: 2876

the data storing device according to claims 7, wherein the conductor does not supply electrical power to the integrated circuit when the first and second housing portions are not in the mated position (col. 4, lines 25-31); and

regarding claim 25, a portable data storing device comprising:

a housing defined by first and second housing portions each including planar surfaces;

an integrated circuit including a random access memory configured to store data,

the integrated circuit being supported from the first housing portion;

a thin film battery; and

a conductor supported by and movable with the second housing portion, the conductor coupling the battery to the integrated circuit so that the integrated circuit is powered by the battery when the first and second portions are mated and thereby resulting in the memory being powered by the battery and so that the integrated circuit is not powered by the battery when the first and second portions are not mated.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

Art Unit: 2876

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 8, 10, 13, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seckinger in view of Morita et al. (US 4,780,791) (hereinafter referred to as 'Morita').

The teachings of Seckinger have been discussed above.

Seckinger lacks the teaching of a static random access memory.

Morita teaches a portable data storing device comprising an integrated circuit including a static random access memory (col. 2, lines 44-48).

One of ordinary skill in the art would have readily recognized that providing the Seckinger invention with a static random access memory would have been beneficial for providing speed of storage and retrieval of information while also utilizing significantly less power. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Seckinger with the static random access memory of Morita.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seckinger in view of Kornfield (US 3,858,031).

The teachings of Seckinger have been discussed above.

Seckinger lacks the specific teaching of the thickness of the storing device.

Kornfield teaches a portable data storing device wherein the housing has a thickness of

Art Unit: 2876

about 0.03 inches (col. 4, lines 36-38).

One of ordinary skill in the art would have readily recognized that providing the Seckinger invention with a thickness of about 0.03 inches would have been beneficial since this would be an accepted standard thickness for data storing device so that they may physically conform to a variety of applications. Therefore, it would have been obvious, at the time the invention was made, to modify the teaching Seckinger with the aforementioned teaching of Kornfield for universal acceptance.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seckinger in view of Saito et al. (US 4,621,190) (hereinafter referred to as 'Saito').

The teaching of Seckinger have been discussed above.

Seckinger lacks the teaching of conductive epoxy.

Saito teaches a data storing device comprising conductive epoxy electrically coupling an integrated circuit to an electrical component (col. 2, lines 56-59).

One of ordinary skill in the art would have readily recognized that providing the Seckinger invention with a conductive epoxy would have been beneficial since the epoxy is found to be an electrical insulator that will guard against electrical short circuiting while providing optimal electrical conduction. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Seckinger with the aforementioned teaching of Saito.

Art Unit: 2876

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seckinger/Morita as applied to claim 19 above, and further in view of Greenberg et al. (US 4,918,425) (hereinafter referred to as 'Greenberg').

The teachings of Seckinger/Morita have been discussed above.

Seckinger/Morita lack the specific teaching of an integrated circuit comprising a microprocessor, a spread spectrum RF transmitter, and an RF receiver.

Greenberg teaches an integrated circuit comprising a microprocessor, an RF transmitter controlled by the microprocessor, and an RF receiver controlled by the microprocessor.

One of ordinary skill in the art would have readily recognized that providing the integrated circuit of Seckinger with a microprocessor, RF transmitter, and RF receiver would have been beneficial since the aforementioned elements are commonly found in an integrated circuit and are necessary for the proper operation of an integrated circuit as it is required. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Seckinger/Morita with the aforementioned teaching of Greenberg.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seckinger/Morita as applied to claim 19 above and further in view of Kornfield.

The teachings of Seckinger/Morita have been discussed above.

Seckinger/Morita lack the specific teaching of the thickness of the storing device.

The teaching of Kornfield has been discussed above.

Again, one of ordinary skill in the art would have readily recognized that providing the Seckinger/Morita invention with a thickness of about 0.03 inches would have been beneficial

Art Unit: 2876

since this would be an accepted standard thickness for data storing device so that they may physically conform to a variety of applications. Therefore, it would have been obvious, at the time the invention was made, to modify the teaching Seckinger/Morita with the aforementioned teaching of Kornfield for universal acceptance.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seckinger/Morita as applied to claim 19 above and further in view of Saito.

The teaching of Seckinger/Morita have been discussed above.

Seckinger/Morita lack the teaching of conductive epoxy.

The teaching of Saito has been discussed above.

Again, one of ordinary skill in the art would have readily recognized that providing the Seckinger/Morita invention with a conductive epoxy would have been beneficial since the epoxy is found to be an electrical insulator that will guard against electrical short circuiting while providing optimal electrical conduction. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Seckinger/Morita with the aforementioned teaching of Saito.

Allowable Subject Matter

13. Claims 1-6, 23, 24, and 26-32 are allowed.

Art Unit: 2876

14. Claims 16 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach, or fairly suggest either alone or in combination thereof,

regarding claim 1, a data storing device comprising:

a housing including first and second opposed portions;

an integrated circuit coupled to the first portion;

a battery supported by the first portion and having first and second terminals, the first terminal being coupled to the integrated circuit; and

connection circuitry coupling the second terminal of a battery to the integrated circuit to complete a circuit, the connection circuitry including a conductor supported by the second portion of the housing and movable with the second portion of the housing;

regarding claims 16 and 18, a data storing device wherein the first and second housing portions enclosed and hermetically seal the integrated circuit and the battery when the first and second housing portions are in the mated position;

regarding claim 23, a portable data storage device comprising:

a first battery disposed between first and second housing members, a first electrode of the first battery contacting a first power conductor on the first housing member;

a second battery disposed between the first and second housing members, a first electrode of the second battery contacting a second power conductor on the first housing member; and

Art Unit: 2876

an integrated circuit disposed on a side of the first housing member configured to be mated to the second housing member; and

regarding claim 26, a passive radio frequency identification device comprising:

a first flexible film;

a second flexible film having a peripheral portion, the peripheral portion of the second film laminated directly to the peripheral portion of the first flexible film to form an approximately hermitically sealed flexible package;

a first dipole antenna disposed directly on the first film between the first and second films; and

a single integrated circuit disposed between the first and second films and having substantially all circuitry formed on a surface of the integrated circuit facing the first film.

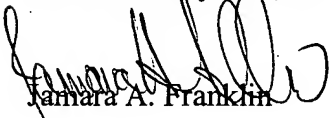
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jamara A. Franklin
Examiner
Art Unit 2876

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February 6, 2007



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